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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,718	12/14/2001	Philip J. Kellman	42055/SAH/K415	9540
23363	7590	06/17/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			HARRIS, CHANDA L	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

3714

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/020,718	KELLMAN, PHILIP J.	
	Examiner	Art Unit	
	Chanda L. Harris	3714	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Chanda L. Harris. (3) _____
 (2) Art Hasan. (4) _____

Date of Interview: 14 June 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Ditto (US 6270352) and Boon (US 6022221).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: We discussed the claim limitation directed to making it impossible for one or more learning items to be presented in at least one or more learning trials based upon a priority score associated with the learning item. It appears that Boon does not teach or fairly suggest the claim limitation since Boon still presents the learning items, although they are retired to a different status to be presented passively. Examiner will respond in due course to the last office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Message

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Art Hasan - Tel. 626 795-9900**To:** Examiner Chandra Harris (FAX # 571-273-4448)**Subject:** Draft Response - Application 10/020,718

In the most recent Office Action, the Examiner rescinded the citation of the Ditto reference with respect to the rejection of the claim limitation in the independent claims directed to "making it impossible for one or more learning items to be presented in at least one or more learning trials." However, the Office Action now cites the Boon reference against this limitation and is combining the teachings of the Boon reference to somehow modify Ditto. In particular, the Office Action states the following:

"Ditto does not disclose expressly making it impossible (i.e., retires items) for one or more learning items (i.e., q/a pairs) to be presented in at least one or more learning trials (i.e., review) based upon the priority score (i.e., Q) associated with the learning item. However, Boon teaches such in Col. 5:14-19, 33-44. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate making it impossible for one or more learning items to be presented in at least one or more learning trials based upon a priority score associated with the learning item into the method and system of Ditto, in light of the teaching of Boon, in order to eliminate redundancy of learning items that have been learned." Office Action, pp. 3-4.

The Applicant respectfully requests that the rejection be withdrawn. First and foremost, Boon does not disclose the noted limitation. In Boon, questions and answer pairs are still presented in an alternative mode (i.e., QUICK MODE), and therefore it is not impossible for learning items to appear; in contrast, it appears Boon mandates presentation of question/answer pairs in one mode or another. See Boon, col. 5:37-59. Second, Boon discloses a "time out" system in which items are delayed in one mode from recurring for a predetermined amount of time that corresponds to the user's perceived ability to retain an item in short term memory, which predetermined time has no correlation to a learning trial. Third, there is no teaching in either reference to combine Ditto and Boon, as the two are fundamentally different systems. Ditto discloses a system based on probabilities, referred to in Ditto as biased random selection. Boon's time based scheme is not compatible with Ditto's probability-based scheme, as applying a time-based criteria to a system such as Ditto would effectively eliminate the fundamental probability based structure of Ditto. Finally, even if the references were somehow combined, one still would not obtain the claimed invention because the noted claim limitation is missing from both references.